

No. 11(112)-3Lab-78/975.—In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Elson Cotton Mills Private Limited, Mathura Road, Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 34 of 1976

between

SHRI FAIZU, WORKMAN AND THE MANAGEMENT OF M/S. ELSON COTTON MILLS  
PRIVATE LIMITED, MATHURA ROAD, BALLABGARH

present :—

Shri Jawhar Lal, for the workman.

Shri R. N. Rai, for the management.

#### AWARD

By order No. ID/FD/3093, dated 23rd January, 1976, the Governor of Haryana referred the following dispute between the management of M/s. Elson Cotton Mills Private Limited, Mathura Road, Ballabgarh and its workman Shri Faizu, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Faizu was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of parties, the following issues were framed by my learned predecessor on 15th May, 1976 :—

1. Whether the reference is bad in law for the preliminary objection No. 1 of the management ?
2. whether the workman abandoned his job of his own accord by absenting himself from duty w. e. f. 10th September, 1975 till 20th September, 1975 when his name was struck off the muster-rolls under clause 7 (g) of the Certified Standing Orders of the management ?

The case was fixed for the evidence of the management. The management examined Shri Subhash Makheja as MW-1 and closed. Then the case was fixed for the evidence of the workman. The workman examined Shri Shriman Lal, Clerk of Labour Inspector, Faridabad as WW-1 and himself as WW-2 and closed his case. Then the case was fixed for arguments. Arguments have been heard. I, now give my findings issue wise :—

I have seen the preliminary objections in the written statement of the management. No. 1 preliminary objection is that the workman directly took up his case to the Conciliation Officer and the demand notice was not received by the management. No. 2 preliminary objection is that according to the Standing Orders the workman has voluntarily left his service by remaining absent for more than seven days. I, think these two preliminary objections do not hit the references. I, therefore, decide this issue against the management.

Issue No. 2.—MW-1 tendered a card, copy of attendance register in which the workman is shown absent for a period of nine days from 10th September, 1975 upto 19th September, 1975, 14th September, 1975 being the holiday and the management struck off his name under Certified Standing Orders Ex. M-2. MW-1 stated that the workman has been absenting himself even earlier and was taken on duty,—vide settlement Ex. M-3. In cross-examination he admitted that he did not handle Labour disputes before January, 1976 and the workman was the employee of the management as truck cleaner. WW-1 the clerk of the Labour Inspector, Faridabad proved a letter to the Labour Inspector which is dated 10th September, 1975. This means that the workman protested against termination of services on the very day when his services were terminated. MW-1 although had stated that previously the workman had been absenting but as far as the period in question is concerned, he said nothing except

tendered a copy of the relevant entries of the attendance register. WW-2 the workman concerned has stated that he was turned out of his job without any reason on 10th September, 1975. There is a copy of award on the file by which the workman did not want to proceed with his complaint under section 33-A, but it is not exhibited. Ex. M-2 is the Standing Order. Ex. W-2 is demand notice. Ex. W-3 and W-4 are documents of post office. I do not believe that the workman absented himself from 10th September, 1975 to 20th September, 1975. The workman wrote a letter to the Labour Inspector on 10th September, 1975 that the management terminated his services on that day without any reason and dismissed him. I, therefore, decide issue No. 2 against the management holding that the workman never abandoned his job of his own and never remained absent. It was the management who terminated the services of the workman on 10th September, 1975. While answering the reference I give my award that the termination of services of the workman concerned was neither justified nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. I, set aside his termination of service and award continuity of service and full back wages.

NATHU RAM SHARMA,

Dated, the 1st January, 1979.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 22, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11 (112)3Lab-79/976.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Gupta Timbers, 16/5, Mathura Road, Faridabad:—

**BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD**

**Reference No. 211 of 1977**

*between*

**SHRI GHANSHYAM DASS WORKMAN AND THE MANAGEMENT OF M/S. GUPTA TIMBERS, 16/5, MATHURA ROAD, FARIDABAD.**

*Present.—*

Shri Roshan Lal, for the workman,

Nemo for the management.

#### AWARD

By order No. ID/FD/507/50103, dated 5th December, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Gupta Timbers, 16/5, Mathura Road, Faridabad and its workman Shri Ghanshyam Dass to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ghanshyam Dass was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The workman appeared. The workman applied for adding Baba Timber as party to this reference on the ground that the management has changed its name. Ten times notices to the management were sent but were not served. Process-server had reported that the factory was closed. The workman was directed to effect service on the management but he failed miserably. Lastly the representative for the

workman stated this reference has been made in the name of a wrong management and he shall move the Government for another reference. In view of the statement of the representative for the workman, I give my award that there is no dispute between the workman and the management. Further this award shall not bar the right of the workman to move the Government for afresh reference in the name of correct management.

Dated the 12th January, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 23, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11 (112) 3 Lab-79/977.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Oriental Steel and Industries, Ltd., Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 34 of 1977

between

SHRI BALDEV RAJ, WORKMAN AND THE MANAGEMENT OF M/S ORIENTAL  
STEEL AND INDUSTRIES LTD., FARIDABAD.

Present :—

Shri Amar Singh Sharma, for the workman.

Nemo for the management.

#### AWARD

By order No. ID/FD/A-2033/13640, dated 8th the April, 1977, the Governor of Haryana, referred the following dispute between the management of M/s. Ooriental Steel and Industries Ltd., Faridabad and its workman Shri Baldev Raj to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 :—

: Whether the termination of services of Shri Baldev Raj was justified and in order? If not, to what relief is the entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On 11th December, 1978 the management did not appear, hence the management was proceeded against *ex-parte* and the case was fixed for *ex-parte* evidence of workman. The workman examined himself as his own witness and stated that the management terminated his service unjustifiably, without giving any chargesheet and without holding any enquiry and he had caused no complaint to the management and his work was satisfactory. He was an active member of trade union, hence the management terminated his services.

I, believe in the statement of the workman, though *ex-parte*, while answering the reference I give my award that the termination of services of the workman was neither justified nor in order. He is entitled to reinstatement with continuity of service and with full back wages and I order accordingly and set aside the termination order.

Dated the 12th January, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 24, dated 18th January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)3Lab-79/978.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Faridabad, in respect of the dispute between the workmen and the management of M/s Crystic Resins India Private Limited, 19/6, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD.

Reference No. 116 of 1976

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S CRYSTICS RESINS INDIA  
PRIVATE LIMITED, 19/6, MATHURA ROAD, FARIDABAD.

*Present :—*

Shri Amar Singh Sharma, for the workman.

Shri R. C. Sharma, for the management.

#### AWARD

By order No. ID/FD/918-B-76/22045, dated 25th June, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. Crystic Resins India Private Limited, 19/6, Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers, conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. Whether the workmen are entitled to the grant of bonus for the years 1972, 1973 and 1974? If so, with what details?
2. Whether the grades and scales of pay of the workers should be fixed? If so, with what details?

On receipt of the the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 11th January, 1977.

1. Whether the workmen are entitled to the grant of bonus for the years 1972, 1973, 1974? If so, with what details?
2. Whether the grades and scales of pay of the workers should be fixed? If so, with what details?
3. Whether the demands were validly raised by the workmen in support of this industrial dispute?
4. Whether the union has *locus standi* to raise the demands?
5. Whether the demands have been espoused by a substantial number of workmen?
6. Whether the workmen are estopped from raising the demands by their conduct?

7. Whether the reference is barred by an agreement existing between the parties in respect of the demands and the case was fixed for the evidence of the workman. The workman examined Shri Amar Singh, President of the union as WW-1 who deposed on issues No. 3 to 5 and closed their case. Then the case was fixed for the evidence of the management. The management examined a Fitter, Shri Harish Chander as MW-1 and their Personnel Officer Shri H. S.

Chowhan as MW-2 and closed their case. Thereafter I, decided issues No. 3, 4 and 5 in favour of the workman,—vide my order, dated 3rd January, 1978 and fixed the case for the evidence of the parties. Then the workmen obtained three adjournments for adducing their evidence. Thereafter both the parties obtained two adjournments for evidence. Lastly the representative for the workmen stated that a settlement has been arrived at between the management and the workmen and the workmen did not want to proceed with the reference and that the representative for the workmen had no instructions from the workmen to proceed with the reference. He stated that he did not want to pursue the dispute. In view of the statement of the representative for the workmen, I give my award that at present no dispute exists between the parties.

NATHU RAM SHARMA,

Dated the 12th January, 1979.

Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 25, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal,  
Haryana, Faridabad.

No. 11(112) 3Lab-79/979.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Maruti Heavy Vehicles (P) Ltd., Palam-Gurgaon Road, Gurgaon :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 153 of 1977

between

THE WORKMEN AND THE MANAGEMENT OF M/S MARUTI HEAVY VEHICLES (P)  
LTD., PALAM- GURGAON ROAD, GURGAON

AWARD

By order No. ID/GG/344-A-77/40229, dated 20th September, 1977, the Governor of Haryana referred the following dispute between the management of M/s. Maruti Vehicles (P) Ltd., Palam-Gurgaon Road, Gurgaon, and its workmen to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the Lock out declared by M/s. Maruti Heavy Vehicles (P) Ltd., Gurgaon with effect from 25th June, 1977 is justified and in order ? If not, to what relief the workmen are entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared. The workmen took two adjournments for filing claim statement. Thereafter none appeared for the workmen. Then the workmen were proceeded against *ex-parte* and the case was fixed for the *ex-parte* evidence of the management. The management examined Shri B. Misra, their Purchase Officer as MW-1. Thereafter the management obtained several adjournments for adducing their remaining evidence but thereafter did not appear.

This is a case where the workmen did not appear after obtaining two adjournments for filing claim statement and the management did not appear after examining their one witness. The workmen did not pursue their dispute. It seemed that the workmen were not interested in pursuing their dispute. MW-1 stated there were three factories named as Maruti Heavy Vehicles (P) Limited and Maruti Technical Service working in Maruti compound. Conflict arose between the workmen and the management. The workers gheraoed the management, the officers of the Company, when they wanted to shift the records to new premises and records were not allowed to be moved out of the factory. The workmen resorted to unlawful behaviour and man-handled the officers and used very nasty and filthy abuses

The management lodged a report to the police and wrote a letter to the Deputy Commissioner, Gurgaon. They also reported the matter to S. S. P., Gurgaon and then the Governor of Haryana and to Labour Commissioner. Copies were sent to the senior officers of the Government. The management requested the authorities to restore the legal rights of the management. Then C. B. I. raided the premises of M/s. Maruti Heavy Vehicles. All the records of the Company were seized and impounded by the C. B. I. It became impossible for the Company to work from 27th May, 1977 onwards. The labourers did not work, neither allowed another workmen to enter the factory premises. The workers threatened the management that they would damage the machineries. They sat in Dharna outside the main gate of the factory. The management issued notices to the workmen for co-operation and the authorities. Job card was also prescribed. The workers refused to accept the same. New attendance roll was opened. The workmen refused to record their presence. Factory premises of the company were sealed under the orders of the Hon'ble the Punjab and Haryana High Court in case No. 72 of 1977, dated 16th June, 1977, and it became impossible to run the factory. Notice of closure, dated 24th June, 1977 was also there. It was not possible to run the factory on account of the conduct of the workmen. The management applied to the court for return of the impounded records and the management was forced to effect a lock out. The management had been approaching the Hon'ble the Punjab and Haryana High Court for unsealing the property of the management. The management is losing a few thousand rupees every month on account of lock out. Facts and reasons for lock out were submitted to the Labour Officer, Gurgaon also. The management proved certain documents.

From the *ex parte* evidence of the management and in absence of the workmen or their representative, I am left with no other option than to believe the *ex-parte* evidence of the management. *Ex-parte* evidence of the management has proved that the lock out was justified and in order. The workmen have taken no interest whatsoever in appearing or in pursuing their dispute. It seems that the workmen have left the factory for any other place. In these circumstances, I give my award that the lock out declared by the management was justified and in order and the workmen are not entitled to any relief. The workmen have not appeared at all inspite of granting two-three adjournments to them.

NATHU RAM SHARMA,

Dated the 12th January, 1979.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 26, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to the Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)-3Lab-79/980.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. G. M. Worsted Spinning Mills, Link Road Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 180 of 1976

between

SHRI RAM DEO, WORKMAN AND THE MANAGEMENT OF M/S. G. M. WORSTED  
SPINNING MILLS, LINK ROAD, FARIDABAD

Present :—

Shri Jawahar Lal, for the workman.

Shri G. L. Gupta, for the management.

## AWARD

By order No. ID/FD/1069-A-76/32840, dated 2nd September, 1976, the Governor of Haryana, referred the following dispute between the management of M/s. G. M. Worsted Spinning Mills, Link Road, Faridabad and its workman Shri Ram Deo to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Ram Deo, was justified and in order? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, the following issues were framed on 8th April, 1977:—

- (1) Whether the termination of services of the workman concerned was justified and in order? If not, to what relief is he entitled?
- (2) Whether the workman has lost his lien on the service on account of abandonment of service of his own?
- (3) Whether the workman raised the demand on the management directly? If not, to what effect?

And the case was fixed for the evidence of the workman. The workman examined himself, as his own witness and closed his case on issue No. 3. Thereafter, the case was fixed for the evidence of the management who did not contest issue No. 3. Therefore, issue No. 3, was decided in favour of the workman and the case was fixed for the evidence of the management. The management examined Shri B. K. Mehra, their Manager as M.W-1 and closed their case. Then the case was fixed for the evidence of the workman. The workman obtained seven adjournments to lead his evidence but led nothing and lastly the workman absented and did not appear. M.W-1 has stated that the workman was a Tea Boy. The workman was appointed on 2nd August, 1975 but did not turn up on duty from 15th April, 1976 to 30th April, 1976. The workman was a minor also and the Factory Inspector had objected to his employment. The workman had mis-described his age as of 18 years. The management asked the workman to produce the age certificate but he did produce nothing. In the circumstances, I have to believe the evidence of M.W-1 and hold that the workman has lost his lien and has abandoned the service of his own by absenting himself for 15 days and by not coming back on duty even thereafter. While answering the reference I give my award that the termination of service of the workman was justified and in order. He is not entitled to any relief.

The 12th January, 1979.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Endorsement No. 29, dated the 18th January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11(112)3Lab-79/982.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s The Gurgaon Central Co-operative Bank Ltd., Gurgaon :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD  
Reference No. 97 of 1978

*between*

SHRI RATTAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S THE GURGAON  
CENTRAL CO-OPERATIVE BANK LTD., GURGAON

*Present :*

Nemo for the workman.

Shri S. L. Gupta, for the management.

## AWARD

By order No. ID/GG/1-A-78/16922, dated the 3rd May, 1978, the Governor of Haryana, referred the following dispute between the management of M/s The Gurgaon Central Co-operative Bank Ltd., Gurgaon, and its workman Shri Rattan Singh to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Rattan Singh was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the management appeared but the workman never appeared although notices were sent to him six times. Two times notices were sent to him by registered A. D. but prior notice by registered was not served on the workman but second time registered notice by registered A. D. was served on the workman but the workman did not appear despite service of notice. It seems that the workman is not taking interest in pursuing his dispute. I, therefore give my award that no dispute exists between the parties at present.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

The 17th January, 1979.

No. 31, dated the 19th January 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11 (112) 3 Lab-79/983.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Hindustan Kokoku Wire Ltd. Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 542 of 1978

between

THE WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN KOKOKU WIRE LTD., FARIDABAD

Present:—

Nemo for the workman.

Shri K. P. Agrawal, for the management.

## AWARD

By order No. ID/FD/54005, dated 29th November, 1978 the Governor of Haryana, referred the following dispute between the management of M/s. Hindustan Kokoku Wire Ltd., Faridabad and its workmen to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

1. To what quantum of bonus the workmen are entitled for the year 1977-78 ?
2. Whether the incentive scheme needs revision ? If so, with what details ?
3. Whether the workmen are entitled to the wages for the period of lock-out from 6th October, 1978 onwards ? If so, with what details ?
4. Whether any revision in the existing grades and scales of pay is called for ? If so, with what details ?

On receipt of the order of reference, notices were issued to the parties. The representative for the management, filed a copy of settlement Ex. MW-1 purporting to bear the signatures of the parties and the witnesses and prayed that award may be given in terms of the settlement. The representative for



the workmen did not appear. I, therefore, give my award in terms of the settlement. The settlement shall form part of the award.

NATHU RAM SHARMA,

The 17th January, 1979.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad,

No. 32, dated the 19th January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947, with five copies of settlement.

NATHU RAM SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11 (112)3 Lab-79/984.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Hindustan Brown Boveri Ltd., N. I. T., Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 256 of 1976

*between*

SHRI NANAK SINGH TYAGI, WORKMAN AND THE MANAGEMENT OF M/S. HINDUSTAN  
BROWN BOVERI LTD., N. I. T., FARIDABAD.

*Present :*

Workman in person.

K. K. Khuller, for the management.

#### AWARD

By order No. ID/FD-124-A-76/45081, dated 8th December, 1976, the Governor of Haryana, referred the following the dispute between the management of M/s. Hindustan Brown Boveri Ltd., N.I.T., Faridabad and its workman Shri Nanak Singh Tyagi, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Nanak Singh Tyagi was justified and in order ?  
If not, to what relief is he entitled ?”

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 26th July, 1977 :—

1. Whether Shri Nanak Singh Tyagi was a workman as defined in the Industrial Disputes Act ?
2. Whether the domestic enquiry held by the management is vitiated and is not in accordance with principles of natural justice or for any other reasons ?
3. Whether the termination of services of Shri Nanak Singh Tyagi was justified and in order ? If not, to what relief is he entitled ?
4. Even if issue No. 2 is not proved in favour of Nanak Singh Tyagi, whether his services were terminated by a competent authority and in accordance with the certified standing orders of the management ?

Issue No. 1 was treated as preliminary and the case was fixed for the evidence of the workman. On 2nd January, 1978 the management did not appear and the management was proceed against *ex parte*. The workman examined himself as his own witness and closed his case on the preliminary issue. Then the case was fixed for arguments.

It was at this stage that the management moved an application to set aside the *ex parte* proceedings against them which were set aside subject to payment of costs Rs. 50/- only. Costs were paid. Then the workman was cross-examined by the management and his statement recorded as *ex parte* was treated as his examination in chief. The workman also examined Shri Arjan Singh Mata President of Hindustan Electric Workers Union as WW-2, but his examination has not been concluded, as the representative for the workman stated that he cannot further lead the examination in chief of this witness before the inspection of the documents, hence the examination in chief of WW-2 was deferred.

It was at this stage that the dispute was settled between the parties. Both the parties stated that Shri N. S. Tyagi the workman concerned has received a sum of Rs. 9,248.46 by way of a cheque in full and final settlement of all his claims and dues and that he shall have no further claim due or dispute of any kind what so ever against the company, nor shall claim reinstatement or re-employment. Shri N. S. Tyagi has also made an application that his reference be rejected and he had admitted that he is not a workman and has settled his dispute separately with the management. The settlement is Ex. MW-1.

In view of the settlement I give my award that the termination of services of Shri N. S. Tyagi was justified and in order. He is not entitled to any relief. He has already received a sum of Rs. 9248.46 in satisfaction of his claim and disputes.

NATHU RAM SHARMA,

The 17th January, 1979.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. \_\_\_\_\_ dated the \_\_\_\_\_ January, 1979.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departmenrs. Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

The 17th January, 1979.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

M. KUTTAPPAN. Secy.